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REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE

IN THE

BOMBAY PRESIDENCY

For the Year 1880.

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No. 1370 of 1881.

From,

E. M. H. FULTON, Esquire,

Registrar, High Court,

Appellate Side;

To,

The Honourable C. GONNE,

Chief Secretary to Government,

Judicial Department.

Bombay, 10*th September*, 1881.

Honourable Sir,

I am directed to forward you the accompanying Report on the Administration of Civil Justice in the Bombay Presidency during the year 1880.

2. The Tabular Statements VI, VII, VIII, IX, and X (Civil) accompany the Report.

3. Tabular Statement No. I which is partly Civil and partly Criminal will accompany the Criminal Administration Report, which will, I hope, be sent to Government by the end of next week.

I have the honour to be,

Honourable Sir,

Your most obedient Servant,

E. M. H. FULTON,

Registrar.

REPORT ON THE ADMINISTRATION OF CIVIL JUSTICE IN THE PRESIDENCY OF BOMBAY FOR THE YEAR 1880.

Divisions of the Presidency.

For the purposes of the Judicial Administration Report, the territories constituting the Presidency of Bombay may be classified as follows :—

First, the Regulation Provinces, the Courts of which are subject to the control of the High Court: secondly, the Province of Sind over which the Sadar Court of that Province has jurisdiction: and thirdly, the District of the Panch Mahâls from the Chief Court of which an appeal lies in certain cases to Government. No report is received from Aden.

Regulation Provinces.

2. Of these three Divisions the Regulation Provinces cover the largest space. Their area, as shown in the Administration Report of Government for the year 1879, was about 75,959 square miles and their population was estimated to amount to 13,984,854.

Civil Courts of Regulation Provinces. Their constitution and functions.

3. The Civil Courts, which administer justice in these provinces, are as follows :—

(1). The High Court, constituted by Letters Patent issued under 24 and 25 Victoria, Chapter CIV., exercises, on its Original Side, Original Civil Jurisdiction within the town and Island of Bombay in regard to all suits except those exclusively cognizable by the Court of Small Causes, disposes of cases coming before it as a Court of Admiralty or Vice-Admiralty or falling within its jurisdiction Testamentary and Intestate or Matrimonial, and hears appeals from its own decrees in Original Suits and References from the Presidency Small Cause Court. One of its Judges moreover performs the duties of Judge of the Insolvency Court and another the functions of Judge of the Parsi Matrimonial Court. On its Appellate Side, the High Court disposes of all Appeals, Applications and References coming before it from the Regulation Provinces; and it also, under orders of Her Majesty in Council, receives and decides Appeals from the Consular Courts at Muskat and Zanzibar. Besides these purely judicial functions, it exercises a general administrative control over all the Subordinate Courts, and the supervision of the manner in which justice is dispensed throughout the Presidency forms an important portion of its duties.

(2). The Presidency Small Cause Court, the powers and jurisdiction of which are regulated by Act IX of 1850 and Act XXVI of 1864, has cognizance in suits arising within the limits of the Island of Bombay where the recovery of the debt, damage or demand does not exceed Rs. 1,000, and in regard to certain other suits specially provided for in those Acts.

(3). The Courts of the District Judges and their Assistants. There are at present in all 11 District Judges and 2 Senior Assistant Judges with the full powers of District Judges, and in four of the District Courts there are Assistant Judges. The number of Assistant Judges, however, is frequently changed. The functions of the District Judges are of various kinds, but, roughly speaking, their duties may be divided into two classes—Administrative and Judicial. In their administrative capacity it is their business to supervise the working of all other Civil Courts in the District and to arrange for the protection of the property of persons who die without heirs or the succession to whose property is in dispute, and as Judges they have jurisdiction to dispose of all suits† where the

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* The population is shown according to the Census of 1872, as the result of this year's Census has not yet been published.

† Suits to which Government or any Government Officer, in his official capacity, is a party, can be brought only in the District Court.

value of the property in dispute exceeds Rs. 5,000 or suits which they have transferred to themselves, and to hear appeals from the decisions of Subordinate Judges. They further have to arrange for the guardianship of the persons and the management of the property of minors and lunatics, and they hear and decide a variety of petitions regarding certificates of heirship, certificates to collect debts due to estates of deceased persons, questions under the Land Acquisition Act, suits between Christians for the dissolution of marriage or judicial separation under Act IV. of 1869, suits for winding up partnership under Section 265 of the Indian Contract Act, and applications under many other Acts. The Judges of Surat and Poona are Judges of the Parsi Matrimonial Courts in those towns. The Judge of Poona, as Agent for Sardars in the Dekkhan, decides under Regulation XXIX of 1827 cases in which certain gentlemen of high rank are interested.

(4). The Subordinate Judges' Courts are divided into two classes :—

(*a*). There are 11 Judges of the First Class who have usually power to hear all suits (other than suits against Government or its officers) irrespective of the value of the property in dispute, arising within certain local limits, and further to hear suits where the value of the property in dispute exceeds five thousand rupees arising within the District of the District Judge with whom in this respect they thus exercise a collateral jurisdiction. Some of the First Class Subordinate Judges have appellate powers and assist the District Judges in disposing of Appeals.

(*b*). There are 89 Subordinate Judges of the Second Class who have jurisdiction within their local limits in suits up to Rs. 5,000. Their number was increased by 12 during the year under report. The Additional Subordinate Judges were intended to serve in the four Dekkhan Collectorates, but as it was found that several of them were not required, they have been employed elsewhere to assist in clearing off the arrears in other Courts.

(5). The Mofussil Small Cause Courts located in the towns of Ahmedabad, Nadiád, Poona, Surat and Broach have within those towns a jurisdiction in money suits to the value of Rs. 500 which is final, save in so far as it is subject to reference of points of law to the High Court or the supervision of this Court in its Extraordinary Jurisdiction. Though there are five Courts, there are only three Judges: of these one has charge of the Courts at Ahmedabad and Nadiád; the second, of the Courts at Surat and Broach; and the third, of the Court at Poona. The Registrars of the Small Cause Courts at Poona and Nadiád have power to decide cases up to the value of Rs. 20. There is also a Registrar for the Court at Broach, but he has no jurisdiction to try cases and merely performs certain ministerial functions.

(6). There are 5 Jághírdars or Inámdars having the same jurisdiction within their estates as Subordinate Judges of the Second Class, conferred on them under the provisions of Regulation XIII. of 1830.

(7). The Village Munsifs appointed in the Collectorates of Poona, Sholápur, Sátára and Ahmednagar, under Act XVII of 1879, (the Dekkhan Agriculturists' Relief Act) have, some within the limits of a group of villages and some within the limits of a single village, power to dispose of petty suits up to Rs. 10 in value. The number of Village Munsifs is not fixed. The first appointments were made in January 1880, and by the end of the year there were in all 138.

(8). The Conciliators appointed under the same Act are not Courts; but as they now play a considerable part in the administration of justice in the Dekkhan, they cannot be passed over without remark. Their functions are, on the application of either of the parties to a dispute, to endeavour to get them to agree either to a compromise or to reference to arbitration. If the Conciliators succeed, they may send the settlement arrived at or the reference agreed to to the Court to be filed, when it has the effect of a decree or reference to arbitration under the Code of Civil Procedure. If they fail, they grant a certificate to that effect, and either party can then seek redress in the Court; but without such certificate no suit, to which any agriculturist, residing within any local area

for which a Conciliator has been appointed, is a party, may be entertained by a Civil Court. The number of Conciliators fluctuated considerably during the year, but at the end of it there appear to have been 346.

(9). The Cantonment Magistrates have been invested under Act III of 1859 with civil jurisdiction up to Rs. 200 within the limits of their Cantonments.

(10.) The Mámlatdárs of the various tálukas have, under the provisions of Bombay Act III of 1876, jurisdiction to determine certain suits regarding the possession of immoveable property. Their decisions are not liable to appeal, though subject to revision by the High Court, and the party whom they put or confirm in possession is entitled to retain it until ousted by the decree of one of the ordinary Civil Courts.

4. Without attempting to give an exhaustive list of the Appeals to superior Courts allowed by the various enactments of the legislature, it may be briefly stated that the District Courts have power to hear Appeals from the decrees of the Subordinate Courts in suits not exceeding Rs. 5,000 in value; and that from the decrees of the District Judges in all original suits and of the Courts of First Class Subordinate Judges in suits above Rs. 5,000, an appeal lies to the High Court. Second Appeals from the decrees of District Appellate Courts ordinarily lie to the High Court in suits not cognizable by a Small Cause Court, and a variety of Appeals from orders are allowed by the Code of Civil Procedure both to the District Courts and to the High Court.

5. In the High Court itself Appeals to a Full Bench are allowed from the decisions of a single Judge and in certain cases from the decisions of Division Benches, the members of which are not unanimous; and from the High Court in most cases of special importance where the subject-matter in dispute exceeds Rs. 10,000 or the case involves a question of law, which it is desirable should be determined by the highest authority of all, an Appeal lies to Her Majesty in Council.

6. The High Court is at present presided over by a Chief Justice and six Judges, of whom the Chief Justice and two Judges are Barristers and four Judges are Civilians. The rule is that at least ⅔rd of the appointments of Judges of the High Court must be held by Barristers and ⅓rd by Civilians. Till recently one of the judgeships was for some time held by a native gentleman, but he has lately been displaced by the return to the Court of the Judge for whom he was officiating. Permanent appointments to the offices of Chief Justice or Judge are made by Her Majesty, on the recommendation of the Secretary of State for India: officiating appointments are made by His Excellency the Governor in Council.

7. The District Judges and Assistant Judges belong to the Covenanted Civil Service, and are appointed by Government from among those members who have entered the Judicial Department of the service.

8. The appointment of Judges of Courts of Small Causes, Cantonment Magistrates, Subordinate Judges, Village Munsifs and Conciliators and Mámlatdárs, and the investment of Inámdars with the powers of Civil Courts rest with Government, but for the place of Subordinate Judge only those are eligible who have taken the degree of Bachelor of Laws at the University of Bombay, or who have passed a special examination conducted under the orders of the High Court according to rules framed by the Court for the purpose. The severity of the test afforded by this examination is proved by the fact that on the last two occasions of its being held only three candidates out of 231 in 1880, and three out of 186 in 1881 were found to have qualified for the office of Subordinate Judge. The promotion and transfers of the Subordinate Judges, though resting with Government, are usually made, subject to certain limitations, on the recommendation of the High Court.

Sind.
Constitution and functions of Civil Courts.

9. The area of Sind is about 48,876 square miles, and the population about 2,203,177. The Sadar Court is the Chief Court of the Province. It is presided over by a single Judge who, as Judicial Commissioner exercises a general administrative control over the Subordinate Courts and, as

Judge of the Sadar Court, performs most of the duties of a High Court on its Appellate Side. An Appeal lies in certain cases from the Sadar Court to Her Majesty in Council. In addition to the functions mentioned above, the Judicial Commissioner exercises the powers of a District Court under the Indian Divorce Act, and in this capacity the confirmation of his decrees rests with the High Court of Bombay.

10. Subordinate to the Sadar Court are four District Judges (including the Deputy Commissioner of Thar and Párkar) whose duties are much the same as those of District Judges in the Regulation Provinces, and under them are 12 Subordinate Judges with power to try suits up to Rs. 5,000, and in Thar and Párkar 7 Mukhtyárkars and 5 Head Munshis with a limited jurisdiction as Original Civil Courts, and an extra Assistant Collector whose functions in civil matters are somewhat analogous to those of an Assistant Judge. There is also a Court of Small Causes in the town of Karáchi.

Panch Maháls Civil Courts.

11. The area of the Panch Maháls is about 1,588 square miles, containing a population of 240,743. They form an outlying District in Gujarát entirely surrounded by Native territory. Civil suits are decided by two Munsifs from whose decisions an Appeal lies to the Court of the Agent to the Governor presided over by the Agent himself or his Assistant or Deputy, and a special Appeal lies to Government.

12. Both Sind and the Panch Maháls are commonly denominated Non-Regulation Provinces or more technically Scheduled Districts under Act XIV of 1874. Many of the Acts, which are in force in the rest of the Presidency, have not been introduced into them, though in most respects the judicial system is very similar to that which prevails in the more settled Provinces.

Work done by Courts during 1880.

13. Having thus briefly noticed the administrative divisions of the territories which form the subject of this report, and having given a short outline of the constitution and principal functions of the Civil Courts, we must pass on to a consideration of the work done by those Courts during the year 1880.

Institution of suits, number and classification of suits instituted.

14. Including suits shown in the tables as pending before Revenue Courts, there were 30,409 suits remaining from the previous year for disposal, and 148,928 new suits were instituted against 161,673 instituted in 1879.

15. In regard to the High Court on the Original Side, it will be convenient for purposes of comparison to carry on the table given on page 7 of last year's report showing the number of cases instituted since 1875 :—

	1875.	1876.	1877.	1878.	1879.	1880.
General Jurisdiction ...	728	734	820	687	723	595
Extraordinary	...	...	...	...	3	...
Admiralty	2	1	5	...	2	...
Testamentary	9	14	11	7	6	15
Matrimonial (Christian) ...	3	3	...	1	7	...
Do. (Pársi)	5	4	1	4	4	4
Insolvent	633	622	475	565	606	601
Total ...	1,380	1,378	1,312	1,264	1,351	1,215

The variations appear to call for no particular remark, and though there was in 1880 a falling off in the number of suits instituted, it is believed that this must be considered to be rather an accidental fluctuation than to be attributable to any particular cause which can be specified in a report.

16 No returns are received from the Bombay Court of Small Causes.

17. In the District Courts (including the Assistant Judges' Courts) 259 suits were instituted against 282 in 1879 and 239 in 1878.

18. In the Subordinate Judges' Courts (with which have been included the Courts of Inámdars and Jághírdars) the following table shows the number of suits instituted during the years 1878, 1879 and 1880 :—

	1878.	1879.	1880.
Ahmedabad ...	5,287	6,686	6,124
Kaira	7,263	8,406	9,118
Surat	2,939	3,686	3,680
Broach	3,515	4,450	5,253
Thána	5,752	6,122	5,674
Kolába	3,394	3,445	3,193
Násik	9,967	10,477	9,088
Ratnágiri ...	6,451	6,712	6,806
Khándesh ...	18,156	19,696	17,348
Ahmednagar ...	7,782	7,379	3,629
Poona	7,007	6,263	4,263
Sholápur... ...	5,178	4,259	2,466
Sátára	7,844	7,798	2,895
Belgaum	3,898	3,659	3,636
Kaládgi	2,713	2,774	2,472
Dhárwár	4,266	3,899	3,648
Kánara	2,266	2,585	2,251
Panch Maháls ...	867	1,490	1,437
Karáchi	2,204	3,906	3,647
Hyderabad ...	7,061	9,691	10,467
Shikárpur and Upper Sind Frontier ...	6,107	9,522	10,168
Thar and Párkar ...	157	231	503
Total ...	120,074	133,086	117,766

* This figure includes a large number of Conciliators' awards filed. Up till October, the Subordinate Court of Poona treated the filing of such awards as the institution of suits.

In the greater number of the Districts the smallness of the fluctuations in the institution of suits is remarkable; but in Kaira, Broach and in Hyderabad, Shikárpur and Thar and Párkar in Sind, litigation at present appears to be increasing while in Dhárwár it seems to have a slight tendency to decrease. In the four Collectorates affected by the Dekkhan Agriculturists' Relief Act, namely, Ahmednagar, Poona, Sholápur and Sátára, the diminution in the number of suits instituted is very marked.

19. No special reasons are assigned for the increase in Kaira, Broach, Hyderabad, Shikárpur, or Thar and Párkar or for the decrease in Dhárwár, except that in regard to Broach and Kaira it is suggested that the goodness of the harvest is the cause of a larger number of suits having been instituted than usual. In regard, however, to the falling off in the work of the Subordinate Judges' in the four Collectorates of the Dekkhan, there can be little doubt it is due to the effect of the Dekkhan Agriculturists' Act, but whether it represents a real permanent diminution in litigation is perhaps still open to question. The total decrease in the four Collectorates appears to be 12,446 in the number of suits instituted in Subordinate Courts in 1880, compared with those instituted in 1879. On the other hand, it must be remembered that 3,257 suits were instituted before the Village Munsifs. Dr. Pollen, in his interesting letter to Government No. 255, dated 13th March 1881, (a copy of which is appended to this Report) on the working of the Act in 1880, expresses an opinion that most of the suits brought before the Village Munsifs would not have been brought in the ordinary Court had there been no Village Munsifs. If this is the case, these suits cannot be treated as a partial set-off against the diminution of suits instituted in Subordinate Courts but rather as an increase in litigation of a new and petty kind leaving the whole of the decrease still to be accounted for. It may be that this decrease is the result of a feeling that the law is now so favourable to the debtor that it is in many instances not worth while for money-lenders to sue for the recovery of debts due to them, but perhaps it would be premature to arrive

at the conclusion that this was the only, or even the chief, cause that brought about the reduction of suits. It is well known that, at any rate in the earlier part of the year, the Conciliators were not at all equal to the tasks imposed on them, and litigation was greatly delayed for want of the certificates which are preliminary to the institution of suits. Dr. Pollen has furnished the following table showing the number of applications presented to Conciliators and the manner in which they were disposed of :—

Districts.	No. of applications presented.	Withdrawn or compromised.	Struck off for default.	Disposed of by agreements forwarded to Court under Section 44.	Referred to Arbitration, Section 45.	Conciliation failed. By refusal or neglect of opponent to attend.	Conciliation failed. By non-agreement of parties.	Conciliation failed. Total of Cols. 7 and 8.	Total disposed of.	Balance.	No. of certificates actually granted out of number shown in Col. 9.
1	2	3	4	5	6	7	8	9	10	11	12
Poona ...	16,296	1,440	1,179	2,326	21	3,880	2,097	5,985	10,951	5,345	5,256
Sátára ...	18,838	1,000	1,234	1,812	132	3,819	2,279	6,098	10,276	8,562	5,047
Ahmednagar .	10,183	579	740	1,894	12	1,212	1,528	2,740	5,965	4,218	2,254
Sholápur ...	3,271	233	124	739	7	451	531	982	2,085	1,186	895
Total ...	48,588	3,252	3,277	6,771	172	9,370	6,435	15,805	29,277	19,311	13,452

From this it will be seen that conciliation was attempted in 48,588 cases and was successful in 6,943, while 13,452 certificates were given. The grant of such a large number of certificates would, as the Special Judge remarks, seem to imply a prospective increase in litigation, and if we suppose, as seems probable, that nearly all of the cases in which conciliation was successful would have been suits in the Subordinate Courts but for the existence of the conciliation system, the actual falling off in litigation is very materially reduced.

20. The table Dr. Pollen has given in his 4th paragraph, is rather misleading in its effect. It is as follows :—

Name of District.	No. of suits instituted in 1880.	Average of previous ten years.
Poona	3,161*	8,072
Sátára	2,712†	11,155
Ahmednagar	3,469†	11,142
Sholápur	2,453†	5,737
Total ...	11,795	36,106

* The figure given in this paragraph is not the same as that shown in paragraph 18. The latter is taken from the District Judge's report and exceeds Dr. Pollen's figure by 1,101. The reason is that up till October the Subordinate Judges of Poona included in their returns of the institution of suits, cases in which Conciliators' awards were filed, while these have been excluded by Dr. Pollen.

† The District Judges' returns show the institution of suits in these three Districts, Sátará 2,895; Ahmednagar 3,629; Sholápur 2,466: the difference is probably due to the fact that the District Judges' returns include with admissions, cases re-admitted, while it is believed Dr. Pollen's figures relate to admissions only.

From this it might reasonably be supposed that the suits in 1880 had suddenly fallen in one year to about 12,000 from 36,000 in previous years. But this is far from being the fact.

21. The following table taken from Dr. Pollen's Appendix A, traces the decline through a number of years and shows that, though there has undoubtedly been a sudden reduction in the number of suits instituted in the Courts in 1880, it does not amount to anything like 24,000 :—

Number of Suits instituted each year between 1870 *and* 1880.

District.	1870.	1871.	1872.	1873.	1874.	1875.	1876.	1877.	1878.	1879.	1880.
Poona ...	7,906	7,445	8,323	9,365	8,988	8,385	10,122	7,047	6,936	6,207	3,161
Sátára ...	14,562	12,561	12,689	14,309	11,625	11,580	10,665	8,056	7,772	7,739	2,712
Ahmednagar .	14,409	11,489	13,377	13,788	12,545	11,728	10,544	8,052	8,150	7,344	3,469
Sholápur ...	6,728	5,598	7,266	7,059	5,814	6,292	5,176	4,036	5,162	4,225	2,453
Total ...	43,605	37,093	41,655	44,521	38,972	37,985	36,507	27,191	28,020	25,515	11,795

A glance at this table will show that though 36,000 was a good deal below the average of the years before the famine, the number of suits instituted in any year since the famine has barely exceeded 28,000. It may be that but for the introduction of Act XVII of 1879 there would have been a normal increase in 1880 in the number of suits filed, but it is not to be assumed that the number would at one bound have gone up to 36,000. It appears that it would be safer to assume that the abnormal decrease was about 15,000 than to place it at any very much higher figure. If from this be deducted 6,943 cases disposed of by the Conciliators or such proportion of them as it may fairly be assumed would previously have passed through the ordinary Courts, the balance may possibly be accounted for as attributable partly to the delay on the part of the Conciliators in furnishing certificates enabling creditors to sue, and partly (as suggested in the report prepared last year) to the extension of the period of limitation in suits against agriculturists from 3 to 12 years in case of mortgage-debts and from 3 to 6 years in other cases. This may have caused many creditors who were not in an immediate hurry to press their debtors to defer their suits. The number of new suits by debtors for accounts filed in 1880 was so small (267 in all) as not to affect very materially the question under consideration.

22. As to the policy or impolicy of the Act, it would be out of place here to speak. The subject is one that is likely to occasion a good deal of difference of opinion, and this fact alone would necessitate its exclusion from an administration report. The experience of the next two or three years will no doubt show whether the number of suits has permanently decreased, and if so, whether this decrease is due to causes which can be looked upon as harmless or beneficial or whether (as has been suggested) it is to be attributed to the fear that justice is not to be obtained. The statistics at present available furnish no sufficient data from which these questions can be answered. As remarked by Dr. Pollen, it is doubtless to be regretted that the appointments of Conciliators were not made more gradually and tentatively so as to allow of a cautious and leisurely selection of the very best available men. The system would then have had a fairer trial, and much inconvenience would have been avoided.

23. In the Mofussil Small Cause Courts 16,999 suits (including 185 re-admitted) were instituted in 1880, against 18,301 in 1879. The following table shows the increase and decrease in the various Courts :—

	1879.	1880.
Ahmedabad	3,993	4,350
Nadiád	1,068	1,033
Broach	1,478	1,456
Surat	3,592	3,782
Poona	5,422	4,127
Karáchi	2,748	2,251
Total ...	18,301	16,999

The decrease of 1,295 suits instituted at Poona is noticed. It is supposed that it is to be attributed to causes similar to those that led to a decrease in suits in the Subordinate Courts throughout the Dekkhan.

24. In the Cantonment Magistrates' Courts at Poona and Belgaum 1,043 Civil suits were filed against 1,402 in the year 1879; and in the Revenue Courts

8,389 suits were instituted as compared with 7,068 in the preceding year. These cases instituted in Revenue Courts consist mainly of suits under the Mámlatdárs' Act, Bombay III. of 1876. They ought, properly speaking, to have been shown as Civil suits and not as Revenue suits, but the District officers have this year generally followed the old system of treating them as revenue suits. Clear instructions have been issued in regard to the classification of these suits in the returns to be sent in next year, and they will, no doubt, hereafter be correctly accounted for.

25. The classification of suits instituted in 1880 compared with 1879 is given in table 6 on page 27. The fluctuations are not in any way remarkable, and none of the District Judges have called attention to the increase or decrease of any special class of suits except in so far as it has been brought about by the working of the Dekkhan Agriculturists' Relief Act. The suits against Government have increased from 37 filed in 1879 to 59 instituted in 1880. The increase seems due to the fact of 29 suits having been filed under the Salt Act in the District of Ratnágiri. Enquiry was made as to how one suit for the dissolution of marriage came to be instituted in a Subordinate Court in Dhárwár, and it has been explained that it was between Hindus and was dismissed as the allegations were not proved. Whether in the absence of legislative sanction any Court under any circumstances would have had authority to dissolve a Hindu marriage is a question on which it is needless to speculate; but as the suit was of rather a novel character, attention has been called to it.

Disposal of suits.

26. The total number of original suits disposed of during the year by the various Courts is as follows:—

	1880.
High Court	1,271
District and Assistant Judges' Courts...	377
Subordinate Judges	122,420
Cantonment Magistrates	1,059
Jághírdárs and Inámdárs	138
Mofussil Small Cause Courts	16,617
Village Munsiffs...	2,866
Revenue Courts	8,381
Total ...	153,129

27. In 1879 the various Courts disposed of 169,660, while in 1878 they disposed of 147,181. The fluctuations appear to call for no special remark.

28. At the commencement of the year there were 30,409 suits pending and 28,451 at the end of it. This shows that the Courts have been able to keep pace with the litigation, and it is perhaps partly attributable to the fact that the number of Subordinate Judges has been increased while the operation of the Dekkhan Agriculturists' Relief Act has diminished their work. It is satisfactory to observe that the number of cases pending over four months on the 31st December 1880 amounted to only 8,408 as against 11,024 at the end of 1879.

29. The average duration of suits in the High Court was, in regard to cases disposed of in 1880, rather longer than in 1879, but the variation appears attributable to accidental causes. The reason why uncontested cases in the High Court appear to take so long to dispose of is explained by the fact that the average duration is raised by suits in which the summons on the defendant could not be served for a number of years and which in the Mofussil would have gone on to the dormant file. It is feared that the average duration of suits in Mofussil Courts shown in columns 20 and 21 is not trustworthy and it is impossible to draw any conclusions from it. The reason is that the principle on which these averages have hitherto been struck appears erroneous. It has been customary to arrive at the general average for the Presidency by adding together the averages of all the Districts and dividing by the number of Districts. It is obvious that the result must be incorrect. Supposing that it be desired to find out the

average duration of suits in two Districts in one of which 100 cases have been tried each of which lasted 10 days and in the other 20 cases the length of each of which has been 100 days, it is manifest that if we simply add the two averages together 10+100 and divide by 2 we shall get 55 days as the average duration of each case in the two Districts. This result, however, is clearly wrong. The only way to arrive at a true average is to add together the total number of days occupied by each case and divide by the number of cases. If this were done in the hypothetical instance given above we should find that the true average was 25 days found as follows :—

$$\frac{1000+2000}{100+20} = \frac{3000}{120} = 25 \text{ days.}$$

Under these circumstances as the returns furnished do not supply the total length of time occupied by the total number of cases, and as it is feared that the averages for the various Districts compiled from the averages of the Subordinate Courts are as erroneous as the general averages compiled from the supposed averages of the Districts, it is useless to give them further consideration. To get a correct general average for the Presidency, one must deal not with the averages of the various Courts but with the actual number of days occupied and the actual number of cases tried by each Court. These figures it is impossible to obtain this year without great delay, but care will be taken to secure next year the requisite data from which to ascertain the averages.

30. The number of suits decreed ex-parte in the Mofussil Small Cause Courts and Subordinate Courts compared with the number in 1879 is as follows :—

	1879.	1880.	Decrease.
Small Cause Courts	7,583	6,474	1,109
Subordinate Courts	66,461	47,471	18,990

The diminution in the number of ex-parte suits seems mainly due to the working of the Dekkhan Agriculturists' Relief Act. The percentage of cases decreed ex-parte in reference to the total number of cases in Courts of Small Causes and Subordinate Courts is as follows :—

Small Cause Courts 38
Subordinate Courts 38

Execution of Decrees.

31. There were 206,731 applications for execution filed in 1880 against 221,524 in 1879. The former number with the balance of 62,401 applications from the preceding year made a total of 269,132 for disposal. In 29,543 cases decrees were completely executed. In 50,410 decrees were partially executed, and 50,666 applications were pending at the end of the year. Imprisonment was resorted to in 3,633 cases against 3,926 in 1879. Moveable and immoveable property was attached and sold as shown in the following comparative table :—

	Moveable.		Immoveable.	
	Attached.	Sold.	Attached.	Sold.
1880	13,548	3,667	16,895	9,421
1879	15,787	4,952	20,474	11,371

32. The partition of land paying revenue to Government, when ordered by a decree, is carried out by the Collector under Section 265 of the Code of Civil Procedure, and under Section 320 the execution of the decrees involving the sale of land has been transferred to the Collector in the following Districts :—

Poona.	Sátára.	Kaládgi.
Sholápur.	Násik.	Ahmedabad.
Ahmednagar.	Khándesh.	Kaira.
	Surat and Broach.	

The attention of the High Court has been attracted to the delay that takes place when decrees have to be executed through the Revenue authorities

who, as a rule, have not received any increase of establishment to enable them to get through the additional work entailed upon their offices. It may be that delay in the sale of land is not always undesirable, as occasionally it leads to the satisfaction of the decree in some other way, but cases involving partition of land stand on quite a different footing. Such cases are generally the result of a family quarrel, and when the shares have been decreed, it is desirable that the basis of a future peace should be established as quickly as possible, and this can only be done by giving to all parties early possession of what has been allotted to them.

33. On this subject Mr. Phillpotts, Judge of Ahmedabad, writes.—

"The chief noticeable fact is that the execution of decrees, in which immoveable property belonging to a cultivator was ordered to be sold, was transferred to the Collector. This system has not worked satisfactorily. It simply, as far as I have been able to judge by an examination of the records of the Courts, tends to postpone the sales indefinitely, and in the Kaira District not a single sale has taken place."

34. The whole question of the delay in the execution of these decrees is under consideration. Detailed reports have been called for with a view to deciding whether Government should be asked to give the Revenue authorities such increase of establishment as will enable them with reasonable promptitude to carry out the law, or whether it is desirable to recommend any alteration in the Civil Procedure Code, or in the Notifications issued by Government under Section 320.

35. It is feared, however, that it is not only with the Collectors that the execution of decrees is delayed. In many cases considerable delay occurs in the Courts themselves. This no doubt is in a great measure due to press of work, but efforts are not spared to impress on the Subordinate Judges the importance of this part of their duties and the hardship which any dilatory procedure in their Courts entails on suitors.

Appeals.

36. The following table shows the number of appeals filed and disposed of compared with the number in 1879:—

Districts.	1880.			1879.		
	Instituted.	Disposed of.	Pending on 31st December 1880.	Instituted.	Disposed of.	Pending on 31st December 1879.
High Court.						
Original Side...	22	22	8	15	29	8
Appellate do.	724	556	376	548	529	208
Sadar Court in Sind ...	9	15	2	24	34	8
District Courts.						
Ahmedabad	174	241	93*	148	170	162
Kaira	132	195	85	115	153	148
Surat	121	59	69	115	134	207
Broach	149	78	259	64	154	188
Khándesh	219	208	140	210	230	129
Thána	193	118	372	228	151	297
Kolába	148	106	339	245	152	297
Násik	166	97	443	224	176	374
Ahmednagar	163	180	214	89	46	231
Poona	170	170	23	177	182	23
Sholápur	68	22	79	73	96	33
Sátára	241	236	164†	287	251	157
Belgaum	174	139	107	109	130	70
Kaládgi	32	50	34	56	51	52
Dhárwár	118	159	40	142	185	81
Ratnágiri	438	749	357	616	562	668
Kánara	169	153	162	152	185	146
Karáchi	34	33	3	5	5	2
Hyderabad	58	47	24	26	2	13
Shikárpur	143	31	132‡	107		44
Thar and Párkar	4	3	2	3		1
Panch Maháls	39	5	74	39	84	40
Total ...	3,908	3,670	3,801	3,817	3,810	3,587

* Excluding one appeal on the Dormant file and one remanded under Section 562 to the Lower Court for trial.
† Includes two appeals received by transfer. ‡ Includes one appeal received by transfer.

37. The Collector of Kaira received and decided 17 Revenue appeals.

38. One appeal from a decision of the High Court on its original side was made to Her Majesty in Council during the year under report. Two appeals from Bombay were decided during that period, and in both the decrees of the High Court were confirmed by the Privy Council. At the close of the year, two appeals from Bombay were pending in the Privy Council of which one has since been disposed of, the decree of the High Court having been confirmed.

39. The number of appeals from the District Courts to the High Court which for several years had been largely reduced owing to the famine and other causes, has now begun to increase. During the year 1880, 724 appeals were filed (as stated above) compared with 548 filed in 1879.

Insolvency provisions of the Civil Procedure Code.

40. The provisions of the Civil Procedure Code in regard to insolvency do not seem to have been much used. No complete returns on the subject are received, but some of the Judicial Officers in their reports allude to it. Mr. Tilak, Subordinate Judge of Athni in the Belgaum District, writes :—

"It is gratifying to observe that no judgment-debtor applied to be declared an insolvent. The inference, therefore, is that the ryats of this táluka are not in insolvent circumstances like those in the Dekkhan tálukas."

From the same District Mr. Venkatrao Laxmaya, Subordinate Judge of Chikodi, writes :—

"It is now over three years that the new Civil Procedure Code has come into force, and there can be no doubt about the provisions thereof being understood by the people by this time. The people, and specially agricultural classes, consider, I believe, that the making of applications for the benefit of the insolvency is as mean a thing and would be as degrading to their position in society as to be imprisoned. Because almost every judgment-debtor that is arrested and brought before the Court, notwithstanding the trouble the Court takes in explaining to him, sometimes at great length, the benefits of the Insolvency Chapter, refuses availing himself of the same and only asks for time to pay the judgment-debtor."

41. Mr. Karsetji Maneckji, Judge of the Small Cause Court at Ahmedabad, takes a more practical view. He writes :—

"The insolvency provisions of the Civil Procedure Code do not appear to be extensively utilized, the debtor when arrested pays off, if he is able, and, if not, then the decree-holder is generally shrewd enough to see the uselessness of incarcerating him and paying for his keep and so lets him off."

42. Dr. Pollen remarks in regard to the Dekkhan Agriculturists' Relief Act that its insolvency provisions have remained almost a dead letter.

Cost and receipts of the Civil Courts.

43. In the report sent in last year the cost and revenue of the various tribunals was shown to be as follows for the year 1879 :—

	Expenditure.			Receipts.		
	Rs.	a.	p.	Rs.	a.	p.
High Court, Original Side	4,41,334	2	2	2,58,073	6	6
Do. Appellate do.	2,79,809	0	1	24,351	4	0
Sadar Court in Sind	37,453	9	9	1,585	9	0
Mofussil Small Cause Courts	87,186	12	3	1,27,248	4	4
Subordinate Judges' Courts	9,96,551	7	2	14,60,859	15	8
Unpaid Tribunals	.....			1,154	14	0
District and Sessions Courts	5,99,579	13	8	1,17,460	8	7
Total ...	24,41,914	13	1	19,90,733	14	1

44. For the year 1880 the figures are as follows :—

	Expenditure.			Receipts.		
	Rs.	a.	p.	Rs.	a.	p.
High Court, Original Side	4,16,585	6	7	* 2,99,133	9	0
Do. Appellate do.	2,79,152	1	9	37,322	5	0
Sadar Court in Sind	35,592	8	9	1,016	12	0
Mofussil Small Cause Courts	85,167	14	11	1,16,089	13	3
Subordinate Judges' Courts	10,15,978	1	1	13,21,554	11	11
Unpaid Tribunals	.....			910	6	0
District and Sessions Courts	6,12,993	1	7	† 1,26,339	12	0
Total ...	24,45,469	2	8	19,02,367	5	2

These figures, however, only approximately give the cost and revenue of Civil Courts.

45. A part of the time of the High Court, of the Sadar Court in Sind and of the District and Sessions Courts is devoted to Criminal work, and, on the other hand, some portion of the time of the Deputy Commissioner of Thar and Párkar and of the Collector of the Panch Máhals and of the Mámlatdárs and Cantonment Magistrates is devoted to Civil work. The old returns, according to which the administration report of this year has been prepared, do not distinguish the proportion of cost debitable respectively to Civil and Criminal Justice in the various Courts. The new forms which will be used next year make this distinction.

Applications under Special Acts.

46. The disposal of miscellaneous applications under Regulation VIII of 1827, Acts XX of 1864, X of 1865, and other Special Acts is not provided for in the old forms of returns, but the information will next year be supplied by the new form No. IX, part II.

47. Mr. Mactier, Judge of Sátára, regrets that Act XX of 1864 has not been amended in spite of the many recommendations that it should be. No doubt it is capable of considerable amendment and the matter has been brought by the High Court under the attention of the legislature (see letter No. 524 of 25th March 1881). The High Court is now engaged in preparing, for the consideration of the legislature, a statement of the particular defects which exist in the Act.

Miscellaneous.

48. Mr. Coghlan, Judge of Thána, draws attention to the decrease in his district of suits against Government, compared with the number that used to be instituted 8 or 10 years ago. This change he attributes to the effectual manner in which the duties of Legal Remembrancer are discharged.

49. Mr. Mactier, Judge of Sátára, mentions that the three new Courts established in his District have been of little use owing to the diminution in the number of suits filed. He also points out that the Dekkhan Agriculturists' Relief Act appears to have worked a considerable change in the matter of imprisonment for debt. At present there are hardly over more than one or two prisoners in the Civil Jail and several times during the past year it has been empty.

50. Mr. Izon, Judge of Ratnágiri, recommends the establishment of an additional Subordinate Judge's Court at Khed which is a Mámlatdár's station. He says "an additional Subordinate Judge located at Khed would not only remove the present necessity of deputing from time to time an extra Subordinate Judge to assist one or other of the Courts in the Southern portion of the District, but also remove the popular complaint of having to visit one station for their judicial and another for their revenue business."

* Of this Rs. 1,35,670-11-0 were for stamps for Probates and Letters of Administration under Act VII of 1870, Schedule 1, Clause 2.

† Includes Rs. 16,566 realised on account of Stamps on Probates and Letters of Administration under Act VII of 1870, Schedule 1, Clause 2.

51. Mr. Scott, Judge of Khándesh, remarks that the period within which a debtor may apply to the Court to recognize a payment out of Court might well be extended. In the case of ignorant ryats the prescribed period appears unreasonably short.

52. Mr. Watt, Judge of Dhárwár, notices that there are still a very large number of applications for execution disposed of without execution being effected at all; and although this must necessarily always be so, still he would like to see the number reduced. No doubt, he says, there are many cases in which debts are settled by compromise or renewal of liability when the judgment-creditor seeks for execution of his decree, but he is sure there are many cases too in which the execution process of the Courts is put to an improper use.

53. Mr. Shaw, Judge of Belgaum, states that he has received a petition from the Athni Táluka for the extension to it of the Dekkhan Rayat's Act, but he does not think the slightest public gain would result from its introduction. He has forwarded the petition to the Collector.

54. Mr. Cordeaux, Acting Judge of Surat, thinks that the Arbitration Court established in that city has reduced the work in the ordinary Civil Courts. He furnishes information as follows :—

"At the commencement of the year under report there were 41 suits pending on the file of the Arbitration Court, the amount of the claim involved therein being Rs. 22,409 -2-10. Eighty-two new suits involving claims to the aggregate amount of Rs. 19,914-10-10 were instituted during the year 1880. Of these 123 suits, 98 suits involving claims to the agregate amount of Rs. 38,178-11-2 were disposed of during the year, leaving 25 suits pendingat the end of the year 1880. The suits filed in 1880 were brought on (1) Samadaskat, (2) Account books, (3) Tham Kháta, (4) Bonds, (5) Mortgage-deed, (6) Rent-deed, (7) To recover possession. The Lavad Court generally sits on Sundays and on other days if convenient to the parties concerned. There were altogether 35 sittings during the year 1880. Generally two arbitrators sit at one sitting, but sometimes the number is increased to three but never more than three. The same set of arbitrators take up more cases than one at one sitting. In the Lavad Court the parties generally appear in person but Vakíls and Mukhtyárs are not prohibited by the rules of the Court from appearing and acting on their behalf."

55. The District Judge of Sátára mentions that an Arbitration Court exists at Wái, but he believes it does very little business.

56. Judicial conferences, or meetings of the Judicial officers and pleaders in a District for the discussion of various questions of law and procedure, were held at Thána, Ahmednagar and Surat. A detailed report of the proceedings of the conference at Thána was as usual furnished.

57. The use of forged Court Fee Stamps was detected in the Court of Small Causes at Nadiád. The Stamp Vendor was found to have been implicated in the forgeries and was tried and convicted by the Sessions Court of Ahmedabad.

58. The District Judge of Dhárwár during the course of the year sent in a detailed report of his tour of inspection round the district. It is hoped that in next year's reports fuller mention may be made of the inspection work done during the year. Some of the District Judges have such heavy work in their Courts that they find it difficult to go on tour, but still, when possible, it is most desirable that the Judge should visit the Subordinate Courts, as his doing so helps to establish uniformity of practice within the District, and the examination of the records, if carefully conducted, frequently leads to the discovery and suppression of various irregularities.

E. M. H. FULTON,
Registrar.

No. 255 of 1881.

From,

Dr. A. D. POLLEN,
Special Judge under Act XVII. of 1879.

To,

The CHIEF SECRETARY to GOVERNMENT,
Judicial Department, Bombay.

Special Judge's Office,
Camp Kade (Ahmednagar District), 13th March 1881.

Sir,

I have the honour to submit a report containing the statistical information which I have been able to collect concerning the working of the Dekkhan Agriculturists' Relief Act under my supervision during the year 1880.

2. At the beginning of the year, there were 24 Subordinate Courts in the four Dekkhan Districts. From the first June Government increased the number of Courts to 36, and appointed 12 additional Subordinate Judges, thus establishing a Subordinate Court in each Táluka, except in the case of the Sángola and Málsiras Tálukas which were united so as to form the jurisdiction of a single Subordinate Court. In consequence, however, of the startling decrease in the number of suits, Government from the 10th December withdrew 7 of the 12 newly appointed Subordinate Judges, and placed their Courts under the Subordinate Judges of adjacent tálukás. Thus at the end of the year there were 36 Subordinate Courts presided over by 29 Subordinate Judges.

3. Appendix A shows the total number of suits of all kinds (exclusive of transfers) instituted in each one of the thirty-six Courts during the year. It also shows, for the sake of comparison, the number of suits instituted in each of the ten previous years.

4. The names of the newly established Courts are given in red ink * and are placed next below those Courts to which their territorial jurisdiction previously belonged. The statement shows the wonderful decrease in the number of suits instituted in the year under report as compared with previous years. The totals for each District are as follows:—

Name of District.	No. of Suits instituted in 1880.	Average of previous 10 years.
Poona	3,161	8,072
Sátára	2,712	11,155
Ahmednagar	3,469	11,142
Sholápur	2,453	5,737
Total ...	11,795	36,106

5. The decrease is most remarkable in those Courts which have jurisdiction over the most purely agricultural populations, and in some Courts it exceeds even 80 per cent.

6. In paragraph 12 of my Report No. 385 of the 7th June last, I endeavoured to explain at length the causes of this decrease, but since the date of the above report another cause has been at work, namely, the general introduction of the conciliation system, which has settled a number of disputes and has interposed delay in referring to the Civil Courts a large number of other disputes which could not be amicably settled.

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7. Of the total number of suits of all kinds instituted during the year in the four Districts, I have ascertained that no less than 8,249, or 70 per cent. of the whole, fall under Chapter II. of the Dekkhan Agriculturists' Relief Act and therefore under my revisional jurisdiction.

8. I would classify these 8,249 suits according to the divisions adopted in Chapter II. as follows :—

Money suits against non-agriculturists falling under Clause (*w*) of Section 3	5,055
Other suits against non-agriculturists falling under Clause (*x*) of Section 3	206
Suits by agriculturists for accounts falling under Clause (*a*) of Section 3...	267
Money suits against agriculturists falling under Clause (*w*) of Section 3...	2,226
Other suits against agriculturists falling under Clause (*x*) of Section 3...	221
Suits against agriculturists for possession of mortgaged land, or foreclosure or sale, falling under Clause (*y*) of Section 3 ...	175
Suits by agriculturists for redemption falling under Clause (*z*) of Section 3	99
Total...	8,249

9. It will be observed that 5,261, out of the 8,249 suits, exclusively concern non-agriculturists. The remaining 2,988 are agriculturists' cases; an amazingly small number considering that it has to be distributed over 36 Courts.

10. Most of the suits for an account were filed during the last two months of the year, when the Notification of the Government of India wholly remitting the institution fee began to be generally known. I expect that there will soon be a still greater increase in the number of such suits, more particularly in the Sátára District.

11. The suits under Clauses (*y*) and (*z*) have been very few, mortgagees being deterred by the fear of having to render accounts, and mortgagors by their inability to pay even the reduced Court fees necessary for redemption suits.

12. I have also classified all suits under Chapter II according to their values, showing those under Rs. 10, Rs. 100, and Rs. 500 respectively, and I can give the figures, if required; but I have not thought it necessary at present to encumber this report with all the figures.

13. The Act came into force on the 1st November 1879, and the arrears, on the 1st January 1880, of suits falling under Chapter II. were 1,102, which added to the institutions in 1880 gives a total of 9,351 for disposal. Of these, 7,108 were actually disposed of during the year under report, leaving a balance of 2,243.

14. The details of the disposals are interesting, as tending to show how some of the novel provisions of the Act have worked. The following statement shows how the suits were decided :—

7,108— Total disposals.

23	Plaint returned.	
1,251	Dismissed for default.	
811	Decided *ex-parte*.	
2,281	Admitted.	
1,735	Contested.	
	909	Awarded in whole.
	593	Awarded in part.
	233	Rejected.
27	Abated.	
968	Withdrawn or compromised.	
12	Disposed of by arbitration.	
7,108		

15. In addition to the above details, I would wish to add the following "special particulars":—

12 suits decided by a bench under the provisions of Section 51.

In 4,130 suits the defendants were examined as witnesses under Section 7.

In 444 suits the past history of the transactions was investigated under Section 12.

In 1868 suits instalments were allowed.

16. The number of *ex-parte* decisions has fallen from about 90 per cent. under the old system to about 12 per cent. in the year under report, and but for certain misunderstandings on the part of Subordinate Judges at the beginning of the year, the percentage would have been still lower. Great difficulty was experienced at first in procuring the attendance of defendants, and even still is occasionally experienced. The position formerly filled by *ex-parte* decisions is now to a great extent occupied by admissions, withdrawals, compromises and dismissals. In the majority of money suits the defendant, when he appears in Court, at once admits the claim and, pleading poverty, asks for an instalment decree. Only 24 per cent. of the decided suits seem to have been contested, and from the comparatively small number of applications for revision, the decisions would appear to have been generally acquiesced in. Instalments have been liberally, but not, I think, too liberally, allowed.

17. In exercise of our powers of superintendence and inspection, I and my Assistants have examined the records of almost all the decided suits during the year. I have myself visited every Court in the four Districts and many of them more than once, and the Assistants have also visited all the Courts in their respective jurisdictions.

18. In exercise of my powers of revision, I have taken up 50 decided cases, 3 of my own motion, 46 on petition for review and 1 on reference from my Assistants.

19. In 29 of these cases I upheld the decision of the lower court, in 7 I reversed or modified, and 14 cases were pending before me at the close of the year of which 8 have since been disposed of. The Subordinate Judges have, as a rule, done their work well and intelligently, and have sought to carry out the intentions of the Legislature. Full instructions have been given to them from time to time and after each visit of inspection, and all mistakes in procedure, &c., have been pointed out.

20. Insolvency provisions of Chapter IV. of the Act have remained almost a dead letter. Fourteen applications only were made during the year in all the four Districts. Eight applications were rejected, most of them owing to default of the applicants. In three cases declarations of Insolvency were made, but in no case has the final stage of proceedings been reached. In a few cases the courts of their own motion directed proceedings to be taken under Section 19, but the parties on whose behalf the decisions were given would not take the necessary steps to carry on the proceedings.

21. With regard to the execution of decrees falling under Chapter II. of the Act, there is nothing noteworthy to remark upon. No occasions have arisen to put in force the provisions of Section 22 with regard to the management of judgment-debtors' estates by the Collector, nor does it seem probable that much use will ever be made of the Section.

22. A large number of cases have been received and disposed of by Village Munsifs during the year. The following statement shows the amount of work:—

District.	No. of Village Munsifs.	Suits received.	Suits disposed of.	Balance.
Poona...	35	568	464	104
Sátára	31	709	607	102
Ahmednagar	36	1,632	1,500	132
Sholápur	36	348	295	53
Total ...	138	3,257	2,866	391

In the Poona District the appointments of Village Munsifs took effect from the 1st May. Forty gentlemen were appointed at first, of whom 8 resigned, and three new appointments were made, thus leaving 35 at the end of the year. The appointments in the Sátára District took effect from the 1st January.

Thirty-one gentlemen were appointed. One died in the year, and his place was filled up. In the Ahmednagar District 36 Village Munsifs were appointed, two of the appointments taking effect from the 1st February and the others from the 1st August. No changes occurred during the year. In the Sholápur District 37 Village Munsifs were appointed from the 1st February 1880: three died and three resigned during the year; four new appointments were made and thus the number at the end of the year stood at 36.

23. Many of the Village Munsifs had no work at all during the year. Only those appointed for large towns had much work. The three who had the largest number of cases were the Village Munsifs of Ahmednagar, Bhingár (a village close to Ahmednagar) and Sátára, as appears from the following statement:—

	No. of suits received.	No. of suits disposed of.	Balance.
Village Munsifs of Ahmednagar ...	692	632	60
" Bhingár ...	593	587	6
" Sátára ...	321	217	104

24. In about 85 per cent. of the cases tried by the Village Munsifs, the claims were admitted, and were generally awarded by instalments. At first, many cases were received and disposed of without jurisdiction. There have been, comparatively speaking, very few complaints made against the decisions. Three cases I thought it necessary to refer to the High Court under Section 617 of the Civil Procedure Code, and in these the decrees were reversed.

25. The institution of Village Munsifs is generally stated to be popular, and no doubt it is very convenient for small traders and petty shop-keepers in those towns for which such officers are appointed; but it affords no relief to the agricultural classes, for the number of suits by or against agriculturists is almost infinitesimal. Most of the Village Munsifs are respectable and intelligent men, and have done their work and kept their records in a satisfactory manner. Many instances occurred in which plaintiffs have waived considerable portions of their claims in order to bring them within the jurisdiction of Village Munsifs. The expediency of retaining these petty Courts at places where there are Subordinate Courts seems to me to be somewhat doubtful; and it is certain that of all the suits that have been instituted in these Courts, not five per cent. would have been instituted in the ordinary Courts, had there been no Village Munsifs.

26. The most surprising feature in connection with the working of the Act, especially when considered with reference to the great decrease in the business of the Civil Courts, is the enormous amount of work that has unexpectedly devolved upon the newly appointed Conciliators.

27. For the Poona District 54 Conciliators were appointed from the 1st May 1880.

There were 8 vacancies and 13 new appointments in the course of the year, so that the number stood at 61 at the close of the year.

For the Sátára District 85 Conciliators were appointed from the 15th May. Five vacancies occurred and eight new appointments were made during the rest of the year. Thus there were 88 at the end of the year.

For the Ahmednagar District 62 gentlemen were gazetted, most of the appointments taking effect from the 1st July. Eight vacancies occurred and twenty new appointments were made, thus leaving 74 at the end of the year.

Sholápur has the largest number of Conciliators. One Hundred and Twenty-three were appointed from the 1st July. Nine vacancies took place and an equal number of new appointments made, so that the total number remained unchanged.

28. The following statement shows the total number of applications received and disposed of by Conciliators during the year, the manner of disposal and the arrears on the 1st January 1881 :—

DISTRICT.	Number of applications received by Conciliators during the year.	Number of Applications disposed of.								Balance remaining for disposal at end of year.	Number of Certificates under Section 46 actually granted out of the total number of failures shown in Column 9.	Court fees on agreements and certificates.
		Withdrawn by Applicant or compromised.	Struck off by Conciliator for default.	Disposed of by agreement forwarded to Court under Section 44.	Referred to arbitration and agreement forwarded to Court under Section 45.	Conciliation failed. By refusal or neglect of opposite party to attend.	Conciliation failed. By non-agreement of parties.	Conciliation failed. Total of two previous columns.	Total disposed of.			
1	2	3	4	5	6	7	8	9	10	11	12	13
												Rs. a.
Poona	16,396	1,440	1,179	2,326	21	3,888	2,097	5,985	10,951	5,345	5,256	2,137 3
Sátára	18,838	1,000	1,234	1,812	132	3,819	2,279	6,098	10,276	8 562	5,047	1,970 2
Ahmednagar	10,183	579	740	1,894	12	1,212	1,528	2,740	5,965	4,218	2,254	1,193 4
Sholápur	3,271	233	124	739	7	451	531	982	2,085	1,186	895	500 9
Total..	48,588	3,252	3,277	6,771	172	9,370	6,435	15,805	29,277	19,311	13,452	5,801 2

29. It will be seen that out of 48,588 applications, 29,277 have been disposed of, (*viz*) 11 per cent. by withdrawal or private adjustment, 11 per cent. by dismissal or default, about 24 per cent. by amicable agreements reduced to writing and sent to the Court under the provisions of Section 44 or 45 of the Act, and about 54 per cent. by failure of the Conciliator to make any settlement. The highest place is occupied by the failures, out of the total number of which 60 per cent. were caused by the neglect or refusal of the opposite parties to appear before the Conciliators and 40 per cent. by the unwillingness of the parties on appearance to agree to terms. These figures are not in my opinion very encouraging, though doubtless *some* good work has been done.

30. In 13,452, out of the 15,805 cases of failure, certificates under Section 46 of the Act were actually applied for and granted, a fact that would seem to imply a prospective increase of litigation.

31. Some of the Conciliators are honest, capable men, zealous, hard-working, of good social position, and above the average, in point of intelligence. Others are indifferent and not, so far as I could judge, conspicuous for intelligence, education, social position or influence. Some have had an immense amount of work, more in fact than honorary office-bearers can reasonably be expected to attend to : others have had no work at all or very little. Some have been very successful in effecting amicable settlements ; others have done nothing but grant certificates. There are in nearly every Táluka good, bad and indifferent Conciliators. I have personally visited nearly all of them, and have taken notes of their qualifications, but it is extremely difficult to form an accurate and impartial opinion of the character of individuals in the course of an occasional flying visit. In some places I find public opinion to be favourable to Conciliators and to the Conciliation System, while in others I learn that the people simply make light of it and pay no heed to the Conciliators' summonses. Some of the best available men for the office are unwilling, it is said, to undertake the irksome and gratuitous labour. I fear, however, that if only the really efficient of the present men were to be retained, there would not be left a sufficient number to carry on all the work that would fall to them. During the last two months, however, I have noticed with satisfaction a falling off in the number of conciliation cases, and if this continues the present strain may be considerably relieved ; and I have already made proposals to Government which, if sanctioned, will have the effect of still further diminishing the Conciliators' work.

32. The agreements effected by Conciliators have been subjected to a close and rigid scrutiny : and all the errors and objectionable features have been

pointed out to them in a friendly manner in order [illegible] avoided in future. I have in previous reports dwelt at length on [illegible] ing this system of conciliation-agreements in the present state of the law [illegible] suggested what appeared to me the most suitable remedies, and therefore I do not go over the same ground again in this report. Many of the agreements effected appeared to me to be very fair and equitable, and others again were of a negative character and therefore difficult to pronounce upon; but many also seemed to be open to very serious objections. In consequence, however, of the instructions issued by me and my Assitants, there has been of late an improvement in the quality of the agreements, but several Conciliators have told me that if they are strict in requiring equitable agreements, they will not be able to effect so many.

33. In the Poona, Ahmednagar and Sholápur Districts nearly all the applications to Conciliators were made by creditors to recover bond and decree debts. Decree cases are seldom amicably settled; most of the agreements have been made in bond cases, which have generally been settled by the creditor granting partial remission and consenting to accept the remainder of his claim by instalments. In many cases the remissions are merely nominal, but occasionally substantial remissions are granted. Disputes about land are rarely disposed of amicably. In most of the cases settled by Conciliators I am inclined to believe that the agriculturists, who were parties thereto, would have got more advantageous terms if they had been submitted to the new equitable jurisdiction of the Civil Courts.

34. In the Sátára District I was surprised to find that the agriculturists themselves figured largely as the applicants in conciliation cases, demanding accounts and seeking to recover mortgaged lands from their creditors. In the majority of such cases the attempts at conciliation failed as the Sowkárs either declined to attend or refused to give any accounts; and sometimes the applicants were too poor to pay even the four annas necessary for a Conciliators' certificate. Some, however, of these redemption cases were successfully conciliated, the mortgagee agreeing to give up the land either at once or on the expiration of so many years varying from 1 to 20, or agreeing to give up part of the land and to retain the rest and so on. The varieties of form which agreements before Conciliators assume, are almost too numerous to describe.

35. In the Sholápur District, the number of conciliation cases is disproportionately small, though the Conciliators are far more numerous than in any other District. This may be partly accounted for by the fact that the pressure of the recent famine was more keenly and generally felt in this District.

36. In the Akola Táluka of the Amednagar District the conciliation system had to be discontinued after a short trial owing to the conspicuous unfitness of the Conciliators, and in the Khed Táluka of the Poona District the jurisdiction of the Conciliators was curtailed in consequence of the marked want of success attending their efforts. Eighteen Subordinate Judges were appointed Conciliators during the year, of whom 7 were subsequently transferred to other duties. I anticipate that the plan of making Subordinate Judges conciliators will work well, but I have not yet had sufficient experience to pronounce decidedly on this point. It is too soon as yet to form an accurate or impartial judgment as to the success of the conciliation scheme as a whole. Its success evidently depends (1) on the willingness of the public to avail themselves of the advantages it offers, and (2) on the personal fitness of the men selected for the office. If these conditions are absent, no amount of supervision can make it a success. I think too it is to be regretted that the appointments of Conciliators were not made more gradually and tentatively, so as to allow of a cautious and leisurely selection of the very best available men.

37. I had intended in this report to offer some remarks on the registration provisions of the Act and on the manner in which they are being carried out, but as I have not yet received from the District Registrars certain information which I requested to be favoured with, I must defer my remarks to another occasion.

...general policy of the Act and its practical results, ...ulties in connection with its various provisions, and the reme- ... seem necessary to remove them, I have ventured to express my views on various occasions in former reports and the whole subject is now under consideration. I have also sought to keep Government informed from time to time as to the progress of the conciliation system. I have, therefore, aimed at confining myself in this report chiefly to giving such statistical information for the past year, as I thought likely to be useful or interesting to Government.

I have, &c.,

(Signed) A. D. POLLEN,

Special Judge.

(True Copy)

E. M. H. FULTON,

Registrar.

APPENDIX A.

Statement showing the total Number of Suits of all kinds (exclusive of transfers) instituted in each one of the 36 Courts in the Districts of Poona, Sátára, Ahmednagar and Sholápur in each of the ten previous years from 1870 to 1880.

No.	Names of Courts.	1870.	1871.	1872.	1873.	1874.	1875.	1876.	1877.	1878.	1879.	1880.	REMARKS.
	Poona Districts.												
1	First Class Sub-Judge's Court, Poona ...	1,093	11,64	1,380	1,555	1,425	1,682	2,589	1,394	1,288	1,266	895	
2	Subordinate Judge's Court, Sa'svad.	...	...	...	...	...	...	...	...	...	...	162	
3	Do. do. Khed ...	1,024	1,059	979	1,246	1,825	1,216	1,724	1,534	1,146	1,307	447	
4	Do. do. Junnar ...	1,804	1,757	1,973	1,911	1,769	1,782	1,575	1,122	1,092	929	756	
5	Do. do. Wadgaon.	...	...	...	...	...	442	1,511	1,235	1,236	858	300	This Court was established on 1st August 1875.
6	Do. do. Talegaon.	2,213	1,918	2,262	2,632	2,291	1,756	1,465	967	1,313	1,079	258	
7	Do. do. Pátas ...	1,772	1,547	1,729	2,021	1,678	1,507	1,258	795	861	768	306	
8	Do. do. Inda'pur.	...	...	...	...	...	...	...	...	...	...	38	
	Total ...	7,906	7,445	8,323	9,365	8,988	8,385	10,122	7,047	6,936	6,207	3,161	
	Sátara District.												
9	First Class Sub-Judge's Court, Satárá ...	2,158	1,818	2,204	2,114	1,969	1,774	1,850	1,538	1,340	1,369	609	
10	Sub-Judge's Court, Wái	2,212	1,672	1,737	1,961	1,411	1,405	1,366	1,037	770	968	278	
11	Do. do. Medhe	...	...	...	...	...	...	...	...	...	...	21	
12	Do. do. Karád	2,148	1,735	1,876	2,007	1,908	1,623	1,701	1,209	831	955	312	
13	Do. do. Pa'tan	...	...	...	...	...	...	...	...	...	...	54	
14	Do. do. Rahimatpur ...	1,897	1,660	1,629	1,630	1,401	1,599	1,481	1,157	1,042	1,228	341	
15	Do. do. Ashta	1,482	1,646	1,523	2,068	1,502	1,588	1,626	1,168	1,410	1,279	317	
16	Do. do. Tásgaon	1,198	966	1,013	1,254	979	1,001	848	640	1,135	907	324	
17	Do. do. Vita	2,011	1,614	1,239	1,767	1,386	1,377	1,060	674	592	538	223	
18	Do. do. Dahivádi	1,456	1,450	1,468	1,508	1,069	1,213	733	633	652	495	107	
19	Do. do. Kha'ta'v ...	...	...	...	...	...	...	...	...	...	...	126	
	Total ...	14,562	12,561	12,689	14,309	11,625	11,580	10,665	8,056	7,772	7,739	2,712	

APPENDIX A—*continued.*

No.	Names of Courts.	1870.	1871.	1872.	1873.	1874.	1875.	1876.	1877.	1878.	1879.	1880.	Re
	Ahmednagar District.												
20	First Class Sub-Judge's Court, Ahmednagar.	4,003	3,638	4,087	4,063	3,213	3,168	3,149	3,101	2,711	2,499	1,435	
21	Sub-Judge's Court, Parner ...	...	...	...	...	...	...	...	...	...	...	121	
22	Do. do. Sangamner ...	2,676	2,468	2,907	2,785	2,814	2,648	2,305	1,693	1,038	1,034	477	
23	Do. do. Akola ...	...	...	...	...	...	...	...	...	...	...	119	
24	Do. do. Nevása ...	2,553	1,857	2,101	2,296	1,950	1,990	1,674	1,206	915	1,028	269	
25	Do. do. Shrigonda ...	...	...	...	...	...	...	...	26	808	381	89	Ths Court was lishsed on December 187
26	Do. do. Kada... ...	2,153	1,594	2,341	2,319	1,954	1,674	1,388	780	1,337	868	198	
27	Do. do. Karjat ...	...	...	...	...	...	...	...	...	...	...	88	
28	Do. do. Shevgaon ...	...	...	...	...	...	...	...	...	...	...	205	
29	Do. do. Rahuri ...	3,024	1,932	1,941	2,325	2,614	2,248	2,028	1,246	1,341	1,534	216	
30	Do. do. Kopergaon ...	...	...	...	...	...	...	...	...	...	...	252	
	Total ...	14,409	11,489	13,377	13,788	12,545	11,728	10,544	8,052	8,150	7,344	3,469	
	Sholápur District.												
31	Subordinate Judge's Court, Sholápur ...	1,963	1,961	2,595	2,553	2,208	2,273	1,781	1,593	2,085	1,869	1,262	
32	Do. do. Bársi ...	1,407	1,144	1,493	1,203	1,155	1,072	975	778	917	785	302	
33	Do. do. Mádha ...	1,798	1,372	1,801	1,679	1,302	1,422	1,221	845	1,016	609	208	
34	Do. do. Karma'la' ...	...	...	...	...	...	...	...	...	...	...	122	
35	Do. do. Pandharpur ...	1,560	1,121	1,379	1,624	1,149	1,525	1,199	820	1,144	982	461	
36	Do. do. Sangola and Malsiras ...	...	...	...	...	...	...	...	...	...	...	98	
	Total ...	6,728	5,598	7,26	7,059	5,814	6,292	5,176	4,036	5,162	4,225	2,453	

(True Copy.)
E. M. H. FULTON,
Registrar.

(Signed) A. D. POLLEN,
Special Judge.

(1).—*Civil—Statement showing the Number and Description of Civil Suits instituted in the Civil Courts of the Presidency of Bombay in the year 1880.*

Class of Tribunals.	Suits for Money, distinguishing suits up to Rs. 500 cognizable by Small Cause Courts from "Other Cases."																	
	On written Obligation.		On unwritten.		On account stated.		Money had and received.		Goods sold.		Breach of Contract not mentioned above.		Rent not falling under the Rent Law.		Moveable property or value thereof.		Damages.	
	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Mofussil Small Cause Courts..	8,410	..	572	..	2,543	..	705	..	3,299	..	78	..	581	..	119	..	106	..
Unpaid Local Tribunals ..	98	1	7	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..
Paid Sub-Divisional Tribunals..	52,461	1,231	4,713	164	11,521	369	896	20	2,868	25	600	48	3,508	33	1,131	45	256	52
Do. exercising Small Cause Court Jurisdiction ..	22,096	..	814	..	4,200	..	169	..	881	..	30	..	242	..	538	..	87	..
Chief Courts of Districts, inclusive of Assistant Judges ..	16	13	4	6	3	3	10	6	2	7	1	3	..	1	..	2	5	6
Cantonment Magistrates ..	358	..	175	..	349	..	1	..	44	..	6	..	107	..	2	..	1	..
Total ..	83,439	1,245	6,685	170	18,616	372	1,783	26	7,094	32	715	51	4,438	34	1,790	47	455	58
Result in 1879 ..	99,031	1,363	7,834	156	16,854	363	1,531	39	7,917	33	823	135	4,277	142	2,061	90	430	45
Revenue Courts.																		
Paid Sub-Divisional Tribunals.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Result in 1879 ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

Class of Tribunals.	Suits under the Rent Law.								Other Suits.													Remarks.
	Arrears of Rent with or without ejectment or cancelment of Leave.	Enhancement or abatement of Rent.	Relating to Distraint.	Damages for extortion, or withholding receipts, or an account of illegal restraint or other cause.	For Pottahs or Kuboolents.	For ejectment or recovery of possession.	For recovery of money or accounts from Agents.	All other suits under the Rent Law not included above.	Suits for immoveable property.	Suits for specific performance of contract	Suits to declare and establish rights to real property including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside Judgments, Contracts, or Obligations on the ground of fraud.	Suits for dissolution of Marriage.	Suits for enforcement of Matrimonial right.	Suits for Partition.	Suits relating to Shipping.	Suits relating to Religion and Caste.	
1	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
Mofussil Small Cause Courts..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	Exclusive of 185 cases re-admitted during the year.
Unpaid Local Tribunals ..	..	..	..	..	..	..	..	..	14	..	3	..	..	..	..	..	..	..	..	..	Exclusive of 7 cases re-admitted.
Paid Sub-Divisional Tribunals..	18	..	8	..	127	..	..	..	7,043	81	1,076	158	284	18	26	1	127	170	2	5	Exclusive of 441 cases re-admitted and suits in which plain were rejected.
Do. exercising Small Cause Court Jurisdiction ..	36	..	..	..	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Chief Courts of Districts, inclusive of Assistant Judges ..	..	..	..	..	..	..	..	2	34	2	24	19	18	..	1	6	5	3	..	..	Exclusive of 4 cases admitted.
Cantonment Magistrates ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Total ..	54	..	8	..	130	..	..	2	7,091	83	1,103	177	302	18	27	7	132	173	3	5	
Result in 1879 ..	..	..	..	..	7	..	1	..	7,476	9	1,142	90	84	19	101	20	84	106	20	23	
Revenue Courts.																					
Paid Sub-Divisional Tribunals.	..	..	..	..	..	..	..	..	2,308	..	4,888	..	..	..	..	..	..	..	..	..	Exclusive of 1,19 not classified f Districts of Kolába, N Thar and Pá
Result in 1879 ..	..	..	..	..	..	..	..	..	1,818	..	4,096	..	..	..	..	..	..	..	..	..	

(1 a) *Statement showing the Number and Description of Civil Suits instituted against Government in the Civil Courts of the Presidency of Bombay in the year* 1880.

Chief Courts of Districts, including those of Assistant Judges	4	..	2	2	..	..	5	..	..	..	..	..	1	..	..	..	1	..	..	..	..	..	..	..	..	..	1	..	31	10	2	..	..	..	..	..	..	..
Result in 1879 ..	5	3	..	1	..	..	..	1	..	..	..	..	..	..	1	1	1	..	..	3	..	..	..	..	..	..	9	1	2	6	..	..	2	..	..	1	..	..

Note—The details of suits filed in the Courts of Village Munsifs appointed under Act XVII. of 1879 are not shown in the foregoing statement, no return being received.

MAHADEV P. BARV
Acting Assistant R

E.—JUDICIAL STATEMENTS—*continued.*

(2).—Civil—Statement showing Value af Suits disposed of in the Courts of the Presidency of Bombay in the year 1880.

Value of Suits.	Number of Suits disposed of in different Courts.					Total value of Suits.	Percentage on total value excluding suits disposed of by Village Munsifs of which value is not known.	Remarks.
	Village Courts.	Small Cause Courts.	Subordinate Judges and other Sub-Divisional Courts.	District Courts.	Superior Courts.			
1	2	3	4	5	6	7	8	9
In Civil Courts.						Rs. a. p.		
Rs.								
Not exceeding 5	(a)2,866	1,550	4,932	8	...	23,582 12 6	·2	(a) The value of these suits does not exceed Rs. 10.
" " 20		7,276	28,733	15	...	4,57,482 1 10	3·2	(b) This figure includes 7,470 suits of the total value Rs. 2,44,534 disposed of by the Subordinate Judges e ercising Small Cause Court Jurisdiction in the Thá District and 52 suits disposed of by Jághírdárs in Áhmednagar District.
" " 100	...	11,034	60,250	61	...	33,83,176 4 8	23·6	
" " 500	...	2,749	18,957	66	...	42,76,676 14 11½	29·8	
" " 1,000	...	...	1,851	39	...	12,85,774 13 8	9·0	
" " 5,000	...	...	844	33	...	16,46,317 12 7½	11·5	
" " 10,000	...	...	55	8	...	3,86,343 2 9	2·7	Besides the suits shown in this statement there were t following suits which have been excluded from tl statement.
" " 1,00,000	...	...	46	7	...	19,79,211 5 7	13·8	
Exceeding 1,00,000	...	...	3	1	...	8,99,575 0 0	6·2	
Total ...	2,866	22,609	(b) 1,15,671	238	...	1,43,38,140 4 7	100·0	25 were Matrimonial suits. 76 for declaration of rights. 1 under Section 265 of Contract Act. 4 abated under Section 366 of Act X. of 1877. 3 transferred to the Dormant file. 453 transferred to other Courts. 16 re-admitted. 2 referred to arbitrators. 2,430 cases in which the amounts of claim were not given. 3,010
Revenue Courts.								
Rs.								
Not exceeding 5	...	...	1,221	...	...	3,293 10 8	·6	In the rest of suits the value has not been shown.
" " 20	...	...	1,664	...	...	17,920 13 2	3·1	
" " 100	...	...	3,166	...	...	1,59,826 12 0	27·9	
" " 500	...	...	1,151	...	...	2,29,447 3 4	40·0	
" " 1,000	...	...	108	...	...	74,274 8 8	13·0	
" " 5,000	...	...	19	...	...	41,572 14 0	7·3	
" " 10,000	...	...	1	...	...	7,000 0 0	1·2	
" " 1,00,000	...	...	1	...	...	39,500 0 0	6·9	
Exceeding 1,00,000	...	...	...	...	...	.....	.....	
Total, Revenue Courts ...	...	...	7,331	...	...	5,72,835 13 10	100·0	
Grand Total ...	2,866	22,609	1,23,002	238	...	1,49,10,975 2 5	.....	
Result in 1879 ...	...	26,521	1,37,401	1,236	...	1,47,66,501 13 9	.....	

MAHADEV P. BARVE,
Acting Assistant Registrar.